

**CS FOR HOUSE BILL NO. 160(TRA) am**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**THIRTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE TRANSPORTATION COMMITTEE**

**Amended: 5/13/21**

**Offered: 4/28/21**

**Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR**

**A BILL**

**FOR AN ACT ENTITLED**

**"An Act relating to the state procurement code; establishing the construction manager  
general contractor procurement method; and providing for an effective date."**

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**\* Section 1.** AS 36.30.200(c) is amended to read:

(c) When the commissioner of transportation and public facilities determines  
that it is advantageous to the state, a procurement officer may issue a request for  
proposals requesting the submission of offers to provide

(1) construction in accordance with a design provided by the offeror; [.  
THE] request for proposals issued under this paragraph must require that each  
proposal submitted contain a single price that includes the design-build; or

(2) preconstruction and construction services under a single  
construction manager general contractor contract awarded under AS 36.30.309.

**\* Sec. 2.** AS 36.30.250 is amended by adding a new subsection to read:

(c) Notwithstanding (a) of this section, the Department of Transportation and

Public Facilities may include factors in addition to price as evaluation factors when awarding a construction manager general contractor contract under AS 36.30.309.

\* **Sec. 3.** AS 36.30 is amended by adding a new section to read:

**Sec. 36.30.309. Preconstruction services; construction manager general contractor contract.** (a) The Department of Transportation and Public Facilities may award by competitive sealed proposals a construction manager general contractor contract in which the department awards a two-phase contract for a construction manager to be responsible for providing preconstruction services during the design phase of the project and, if an agreed-on price for constructing the project is reached, general contractor services during the construction phase. The department may award the contractor providing preconstruction services under the contract with the second phase of the contract to provide construction services in accordance with this section and regulations adopted by the commissioner of transportation and public facilities without any further competitive sealed bidding or competitive sealed proposal process.

(b) A contractor awarded a construction manager general contractor contract under this section is responsible for providing preconstruction services for the applicable project. Once awarded a construction manager general contractor contract, the contractor may negotiate with the department to provide construction services for the applicable project. If the contractor and the department reach an agreed-on price for the construction services under the second phase of the contract, the department shall award the contractor phase two of the contract to provide construction services.

(c) If the contractor providing preconstruction services and the department do not agree on a price for providing construction services, the department may seek an alternative contractor using a process authorized under this chapter. The department may prohibit the contractor providing preconstruction services from participating in the subsequent process.

(d) In this section, "department" means the Department of Transportation and Public Facilities.

\* **Sec. 4.** AS 36.30.990 is amended by adding a new paragraph to read:

(28) "preconstruction services" means information, research, advice, and related tasks regarding the impacts of design on the physical construction of a

1 project; "preconstruction services" does not mean architectural, engineering, or land  
2 surveying services.

3 \* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to  
4 read:

5 TRANSITION: REGULATIONS. The Department of Transportation and Public  
6 Facilities may adopt regulations necessary to implement the changes made by this Act. The  
7 regulations take effect under AS 44.62 (Administrative Procedure Act), but not before the  
8 effective date of secs. 1 - 4 of this Act.

9 \* **Sec. 6.** Section 5 of this Act takes effect immediately under AS 01.10.070(c).